

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
Village Hall – 1 Depot Plaza
September 12, 2022 7:30 p.m.

PRESENT: Chairwoman Lawrence, Members Weisel, Rachlin, Kaplan, Abraham,
Alternate Member #1 Jolly, Alternate Member Kudla, Counsel Addona;
Secretary Meszaros

ABSENT: Village Engineer Pennella

Ms. Lawrence opened the meeting at 7:30 p.m.

APPROVAL OF MINUTES – August 8, 2022

Ms. Weisel moved, seconded by Mr. Jolly, with Ms. Rachlin abstaining, to approve the minutes of the August 8, 2022 as submitted.

The secretary recorded the vote:

Member Kaplan:	Yes
Member Weisel:	Yes
Member Abraham:	Yes
Chair Lawrence:	Yes
Member Rachlin:	Abstained

All in favor. Motion carried. 4-0

ADJOURNMENTS:

Counsel Addona announced the following two applications that have been adjourned to the next regular meeting:

Michael and Janaki Degen - 86 Crest Drive

Variances to construct a second story over the existing garage and principal dwelling and a one-story rear addition.

MMC Corporation/Montefiore Medical Center - 555 South Broadway

Applicant is seeking an interpretation/appeal pursuant to New York State Village Law and the Village of Tarrytown Zoning Code appealing the Building Inspector's determination that the intended proposed use is not a Research Laboratory, as defined by §305-5 of the Village Zoning Code, but rather a distribution center, and that the proposed Research Pharmaceutical Laboratory is not a permitted principal use nor a permitted accessory or incidental use under Sections §305-34 A and B of the of the Zoning Code.

NEW PUBLIC HEARING – Courtney Sidereal – 16 Hanford Place

The following public hearing notice was made available to the public at the meeting:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at **7:30 p.m. on Monday, September 12, 2022**, in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Courtney Sidereal
16 Hanford Place
Tarrytown, NY 10591

For a variance from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for interior alterations to the basement of a single-family dwelling.

The property is located at 16 Hanford Place and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 7, Lot 27 and is located in the R-5 Zone.

The variance sought is as follows:

Code Section: §305-22. Residential R-5 Zone:	Required/ (Permitted)	Existing	Proposed	Variance Required
§305 Attachment: 5:1 Column 12, Minimum for Each Side Yard (Egress window well on North/East)	8 feet	n/a	1 foot	7 feet

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: September 2, 2022

The mailing receipts were received and the sign was posted. Board members visited the property.

Sherri Robbins, with SDR designs, appeared on behalf of the engineer, representing the application, and the owner. She presented the plan and showed the proposed window well egress which is required by the code for the existing finished basement. She explained that the owner would like to add a home office to the existing layout which includes a bathroom, play area and mechanical room. A window well is needed to provide egress as required by the building and fire codes. The window well will be 1 foot from the property line where 8 feet is required, therefore, they are seeking a variance of 7 feet.

A brief discussion took place among the Board Members and the applicant about the stairs next to the window which lead to the kitchen and access to the basement. Ms. Weisel was concerned that the window well should be covered for safety reasons to prevent people or animals from falling in.

Ms. Lawrence asked if anyone in the public had any questions or comments. Ms. Lawrence noted that the owner advised the Board at the Sunday site visit that she spoke with her neighbors and there was no objection to their project.

No one from the public appeared to comment.

The Board Members had no additional questions.

Counsel Addona advised that this is at Type II action with no further environmental review required under SEQRA.

Ms. Rachlin moved, seconded by Mr. Abraham, to close the public hearing.

The secretary recorded the vote:

Member Kaplan:	Yes
Member Rachlin:	Yes
Member Weisel:	Yes
Member Abraham:	Yes
Chair Lawrence:	Yes

All in favor. Motion carried. 5-0

Ms. Lawrence read through and responded to the criteria for an area variance.

1. That no undesirable change will be produced in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the area variance. *Ms. Lawrence stated that the proposed project will not produce any change in the character of the neighborhood since it is an interior renovation and the required window well is on the side of the property.*

2. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. *Ms. Lawrence stated that the benefit sought by the applicant cannot be achieved by some other method other than the area variance due to the lot size.*
3. That the requested area variance is not substantial. *Ms. Lawrence stated that the requested variance is not substantial and is necessary to provide egress for the basement for safety reasons.*
4. That the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Lawrence stated that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*
5. That the alleged difficulty was self-created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance. *Ms. Lawrence stated that it is self-created but required for egress and necessary for safety.*

Ms. Rachlin moved, seconded by Mr. Abraham, to approve the requested variance and authorize Counsel Addona to prepare a Resolution memorializing the discuss during the public hearing to include the general conditions and a condition that the window well have a removable covering to prevent people or animals from falling in.

The secretary recorded the vote:

Member Weisel:	Yes
Member Kaplan:	Yes
Member Abraham:	Yes
Alt. Member Jolly:	Yes
Chair Lawrence:	Yes

All in favor. Motion carried. 5-0

NEW PUBLIC HEARING – DCD Realty Holdings LLC – 480 South Broadway

The following public hearing notice was made available to the public at the meeting:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at **7:30 p.m. on Monday, September 12, 2022**, in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

DCD Realty Holdings LLC
480 South Broadway
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for interior alterations to the existing building and site related improvements.

The property is located at 480 South Broadway and is shown on the Tax Maps of the Village of Tarrytown as Sheet **1.180**, Block **102**, Lots **1, 2, 3, 4, 5, 6, 8,11** and is located in the NS (Neighborhood Shopping) Zone.

The variances sought are as follows:

Code Section: NS - Other Permitted Uses	Required	Proposed	Existing	Variance Required
§305 Attachment 9:1 Column 11 Minimum Front Yard	30 feet	0 feet	-	20 feet
§305-47. C. (3) Special setback	100 feet	0 feet	-	100 feet

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

Additional approval is required by the Planning Board and the Architectural Review Board.
By Order of the Zoning Board of Appeals

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: September 2, 2022

The mailing receipts were received and the sign was posted. Board members visited the property.

John Hughes, ESQ., appeared before the Board, representing the owner, Dwight Dachnowicz, and the General Manager of Honda, Charlene Mooney, both present. Mr. Hughes advised that this application is currently before the Planning Board for site plan approval for interior renovations with lighting, landscaping, and parking improvements. They are before this Board due to the pre-existing non-conformity of the existing building which predates the zoning code. As a result, this property was never granted variances for the 20-foot front yard setback and the 100-foot special setback for properties along South Broadway. He introduced the project architect, Philip Fruchter, Principal with Papp Architects, to present the plans and go over the variance request.

Philip Fruchter, RA, showed the site plan of the property which lies on the east side of South Broadway between the NYS thruway entrance and Walter Street. They are proposing to renovate the existing interior of the building with minor site improvements. The existing building is 0 feet from the north and west property lines which requires a variance from this Board, in addition to a special 100-foot setback variance that is required for the properties along South Broadway. He noted that they will be improving

other non-conformities on the site by removing the existing shed which lies 2-feet off of the property line on Walter Street, resulting in a new setback of 40 feet, 6 inches. They are also reducing the building coverage from 27.9% to 26.5% by removing the mezzanine portion in the existing building, which he showed on the plan. The site work proposed is relatively minor, to include curb work to move the existing curb cut, improvements to the lighting and pedestrian access within the site, and the reconfiguration of the parking spaces in the lot. He provided a rendering for the changes to the exterior building. He noted that the building will be used exclusively for sales.

Ms. Weisel confirmed that there will be no stacked parking on the site and that the removal of the shed will have no effect on the driveways. Ms. Kudla asked if there would be more or less cars being displayed in the front with the new proposal. Mr. Fruchter advised that they are proposing four car pads that are flush with the pavement. He showed the pads on the plan with landscaping between them. Mr. Dachnowicz said they currently have more displayed in that area.

Ms. Lawrence asked about the trees being planted along the NYS thruway property. Mr. Fruchter advised that they the trees will be planted if and when they receive approval from the State. The trees will provide a nice buffer to the building and will look nice.

Ms. Lawrence asked if there was anyone in the public who wished to comment. No one appeared.

There were no more questions from the Board.

Counsel Addona advised that this is at Type II Action with no further environmental review required under SEQRA.

Ms. Rachlin moved, seconded by Mr. Weisel, to close the public hearing.

The secretary recorded the vote:

Member Kaplan:	Yes
Member Rachlin:	Yes
Member Weisel:	Yes
Member Abraham:	Yes
Chair Lawrence:	Yes
All in favor. Motion carried. 5-0	

Ms. Lawrence read through and responded to the criteria for an area variance.

1. That no undesirable change will be produced in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the area variances. *Ms. Lawrence stated that the proposed project will not produce any change in the character of the neighborhood since it is an interior renovation and*

the building is pre-existing, non-conforming, and has existed at this location for many years prior to the zoning code that is now in place.

2. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. *Ms. Lawrence stated that the benefit sought by the applicant cannot be achieved by some other method other than the area variance due to the existing non-conforming condition.*
3. That the requested area variances are not substantial. *Ms. Lawrence stated that the requested variance is substantial but the building has been there for many years without any impacts.*
4. That the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Lawrence stated that the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district since it is a pre-existing non-conforming condition.*
5. That the alleged difficulty was self-created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance. *Ms. Lawrence stated that it is not self-created and that the building was built prior to the zoning which is in place today.*

Ms. Weisel moved, seconded by Ms. Rachlin, to approve the requested variances and authorize Counsel Addona to prepare a Resolution memorializing the discuss during the public hearing to include the general conditions of approval.

The secretary recorded the vote:

Member Weisel: Yes
 Member Kaplan: Yes
 Member Abraham: Yes
 Alt. Member Jolly: Yes
 Chair Lawrence: Yes
 All in favor. Motion carried. 5-0

NEW PUBLIC HEARING – Family YMCA at Tarrytown – 139 Wildey Street

The following public hearing notice was made available to the public at the meeting:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at **7:30 p.m. on Monday, September 12, 2022**, in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Family YMCA at Tarrytown
 PO Box 580
 Tarrytown, NY 10591

For a variance from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for the conversion of a former bank to a child day care facility.

The property is located at 139 Wildey Street and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 9, Lot 13 and is located in the RR Zone.

The variance sought is as follows:

Zone Code Section	Required	Existing	Prior Approval	Variance Required
§305-39 -Restricted Retail (RR)				
§305-63 D (1) - Minimum Off-Street Parking Requirements (1 space per employee; 1 space/300 s.f.)	238 spaces	178 spaces	36 spaces	24 spaces

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

Additional approval will be required by the Planning Board and Architectural Review Board.
By order of the Zoning Board of Appeals.

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: September 2, 2022

The mailing receipts were received and the sign was posted. Board members visited the property.

Sean McCarthy, RA, appeared on behalf of the Family YMCA at Tarrytown. He introduced Fred Schwalb, representing the Wildey Group, who will be leasing the space to the YMCA, and Gerry Riera, the Executive Director of the YMCA.

Mr. McCarthy presented the site plan of the shopping center and noted the space in the south east corner which was the former Chase Bank, which the YMCA intends to lease from the Wildey Group, for use as a Child Day Care Center. The Bank has been vacant for a while and therefore the parking lot plan needed to be updated to reflect the parking requirements for the new use of this space as a child care center. Mr. McCarthy noted that the parking analysis that he has provided would require the need for 35 spaces based upon the number of employees and the square footage of the space, according to the village code. The parking lot has been configured and there are 178 existing spaces on site and 238 parking spaces are required by code to accommodate all of the existing stores in the center. In 2017, the Board granted a variance for 36 parking spaces; therefore, a variance of 24 spaces will be required.

Mr. McCarthy advised that the cubicle and the vault will be removed in the space and it will be divided into 8 rooms to accommodate the population. They are required by the state to provide 1 employee for every 4 children. He noted that this day care center serves many people in this area of town and the site is well suited for this purpose since it is on one floor, has plenty of parking, an existing sprinkler system, and is within walking distance for many of the families, 70% who receive aid. In addition, there is a tremendous need for the YMCA to secure a permanent facility since they have moved out of E.F School and are temporarily using the Holy Cross Parish in Sleepy Hollow.

Counsel Addona advised the Board that the parking requirements represent the actual parking requirement for each use in the shopping center. Mr. McCarthy agreed and noted that the Bank had a requirement of 15 spaces needed in the last analysis, which seemed low based upon the code. He noted that there will be a limited amount of time that caregivers will park to drop off their children. It is very similar to the bank use and other uses in the shopping center. Ms. Weisel agreed and noted that there is much more parking near the restaurant side but it is nearly empty on the Walgreens side.

Mr. McCarthy noted that the owner has been studying this property since 2010, and while it may appear that this parking requirement is necessary, only about 60% of the lot is used on a regular basis.

Ms. Weisel had concerns about the parking lot entrance near Central Avenue which seems to be problematic when turning into the shopping center and concerns about the safety of the parking lot in general. Counsel Addona advised that the Board could relay these concerns to the Planning Board as part of their review.

Ms. Lawrence asked if anyone in the public wished to comment on this application.

Connie Jones, a YMCA Board Member and 25-year resident of Tarrytown said that the community has a great need for this facility since it is the only one in this area that can accommodate infants and toddlers.

Fred Schwalb, owner and operator of the shopping center, noted that the McDonalds general industry standard for drive thru is 30%, but their drive thru business is 80%. People at this location use the drive thru rather than park and eat inside. Theoretically, on paper, it looks like they need more parking in the lot, but they rarely get even up to 50% usage in the lot. Having the YMCA at this location will be an asset for the community and for the other tenants.

Ms. Lawrence noted the following letters of support that have been received that will be made part of the record.

Anthony Paladino
Pamela Mejias
Ludmila Brandao and Jason Kick
Richard Klein, Member of Board of Directors, YMCA

There were no additional questions from the Board.

Counsel Addona advised that this is at Type II Action with no further environmental review required under SEQRA.

Ms. Weisel moved, seconded by Ms. Rachlin, to close the public hearing.

The secretary recorded the vote:

Member Kaplan:	Yes
Member Rachlin:	Yes
Member Weisel:	Yes
Member Abraham:	Yes
Chair Lawrence:	Yes

All in favor. Motion carried. 5-0

Ms. Lawrence read through and responded to the criteria for an area variance.

1. That no undesirable change will be produced in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the area variances. *Ms. Lawrence stated that the proposed project will not produce any change in the character of the neighborhood.*
2. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. *Ms. Lawrence stated that the benefit sought by the applicant cannot be achieved by some other method other than the area variance due to the number of spaces provided in the parking lot.*
3. That the requested area variances are not substantial. *Ms. Lawrence stated that the requested variance is not substantial.*
4. That the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Lawrence stated that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*
5. That the alleged difficulty was self-created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance. *Ms. Lawrence stated that it is not self-created since there are only so many spaces in the parking lot.*

Mr. Abraham moved, seconded by Ms. Weisel, to approve the requested variance and authorize Counsel Addona to prepare a Resolution memorializing the discussion during

the public hearing to include the general conditions of approval and to urge the Planning Board to review the internal traffic circulation as part of their review.

The secretary recorded the vote:

Member Weisel:	Yes
Member Rachlin:	Yes
Member Kaplan:	Yes
Member Abraham:	Yes
Chair Lawrence:	Yes

All in favor. Motion carried. 5-0

ADJOURNMENT:

Ms. Weisel moved, seconded by Ms. Lawrence, to adjourn the meeting at 8:20 p.m.

All in favor. Motion carried. 5-0

Liz Meszaros- Secretary